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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,639	12/04/2001	Brian Foulger	41577/261336	7129

23370 7590 01/29/2003

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ATLANTA, GA 30309

EXAMINER

GURZO, PAUL M

ART UNIT	PAPER NUMBER
----------	--------------

2881

DATE MAILED: 01/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/889,639

Applicant(s)

FOULGER ET AL.

Examiner

Paul Gurzo

Art Unit

2881

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6. 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, and 11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Davies et al. (5,405,781).

Davies et al. teach the use of an ion mobility spectrometer to detect gases or vapors emitted from materials under conditions at which there is a risk of the onset of fire and detecting the ion peak of the volatilized material (col. 1, lines 8-14 and col. 9, lines 29-43). They teach using this method for industrial operation (col. 2, lines 20-25) as well as continuous sampling (col. 2, lines 46-48) and the use of an alarm system triggered when the peak reaches a predetermined intensity level or increases over time (col. 9, lines 29-43). They also teach the use of time intervals for sampling the ion peak (col. 3, lines 37-42).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Application/Control Number: 09/889,639


Page 5

Art Unit: 2881

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

PMG

January 13, 2003



JOHN R. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800



A DOCPHOENIX

APPL PARTS

IMIS	_____
Internal Misc. Paper	_____
LET	_____
Misc. Incoming Letter	_____

371P
PCT Papers in a 371 Application

A...
Amendment Including Elections

ABST
Abstract

ADS
Application Data Sheet

AF/D
Affidavit or Exhibit Received

APPENDIX
Appendix

ARTIFACT
Artifact

BIB
Bib Data Sheet

CLM
Claim

COMPUTER
Computer Program Listing

CRFL
All CRF Papers for Backfile

DIST
Terminal Disclaimer Filed

DRW
Drawings

FOR
Foreign Reference

FRPR
Foreign Priority Papers

IDS
IDS Including 1449

NPL
Non-Patent Literature

OATH
Oath or Declaration

PET.
Petition

RETMAIL
Mail Returned by USPS

SEQLIST
Sequence Listing

SPEC
Specification

SPEC NO
Specification Not in English

TRNA
Transmittal New Application

CTNF
Count Non-Final

CTRS
Count Restriction

EXIN
Examiner Interview

M903
DO/EO Acceptance

M905
DO/EO Missing Requirement

NFDR
Formal Drawing Required

NOA
Notice of Allowance

PETDEC
Petition Decision

OUTGOING

CTMS	_____
Misc. Office Action	_____

1449
Signed 1449

892

ABN
Abandonment

APDEC
Board of Appeals Decision

APEA
Examiner Answer

CTAV
Count Advisory Action

CTEQ
Count Ex parte Quayle

CTFR
Count Final Rejection

INCOMING

AP.B
Appeal Brief

C.A.D
Change of Address

N/AP
Notice of Appeal

PA..
Change in Power of Attorney

REM
Applicant Remarks in Amendment

XT/
Extension of Time filed separate

Internal

SRNT
Examiner Search Notes

CLMPTO
PTO Prepared Complete Claim Set

ECBOX
Evidence Copy Box Identification

WCLM
Claim Worksheet

WFEE
Fee Worksheet

File Wrapper

FWCLM
File Wrapper Claim

IIFW
File Wrapper Issue Information

SRFW
File Wrapper Search Info

Form PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NO.: 41577/261336 SERIAL NO.: 09/889,639

APPLICANT: B. Foulger, et al.

FILING DATE: July 19, 2001 GROUP: Unknown

MATERIAL INFORMATION STATEMENT
(Use several sheets if necessary)

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
Pb	4,053,776	10/11/77	Hertzberg, et al.			
Pb	4,633,082	12/30/86	Sauers			
Pb	4,691,783	09/08/87	Stern, et al.			
Pb	5,065,140	11/12/91	Neuberger			
Pb	5,162,652	11/10/92	Cohen, et al.			
Pb	5,294,794	03/15/94	Davies			
Pb	5,405,781	04/11/95	Davies, et al.			

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
Pb	0401861	12/12/90	Europe (EPO)			
Pb	0795749	09/17/97	Europe (EPO)			
Pb	926605	05/22/63	United Kingdom			
Pb	1571963	07/23/80	United Kingdom			
Pb	WO 97/05635	02/13/97	WIPO/PCT			

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER: Paul Sengo DATE CONSIDERED: 1/13/03

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

RECEIVED
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